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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 05-00389 JF
)	
Plaintiff,)	STIPULATION REGARDING
)	CONTINUANCE OF STATUS
v.)	CONFERENCE AND EXCLUDABLE
)	TIME AND [PROPOSED] ORDER
GILBERT GONCALVES,)	
)	
Defendant.)	
)	

It is hereby stipulated and agreed between defendant Gilbert Goncalves, through his counsel H. Dean Steward, and the United States, through government counsel Assistant United States Attorney Hanley Chew, that trial in this matter be continued to Friday, November 10, 2006, at 10:00 a.m., that the status conference be continued until October 25, 2006, at 9:00 a.m., and that time be excluded from October 27, 2006 through November 10, 2006, under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., for the reasons set forth below:

1. The government has provided defendant with more than 2,200 pages of discovery as well as more than 30 tapes containing recorded conversations involving defendant. Because defense counsel has been involved in a death penalty trial for the past several months, the

STIPULATION REGARDING CONTINUANCE OF STATUS CONFERENCE AND EXCLUDABLE TIME AND
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1 defense therefore needs additional time to review this discovery and investigate facts related to
2 this discovery.

3 2. In addition, defense counsel is scheduled to participate in a hearing in the death
4 penalty case that he is handling before Judge Carter on October 11, 2006. As a result, the
5 defense requests this continuance so that defense counsel has sufficient time to prepare in light
6 of both the discovery and his other federal trial commitments and allow sufficient time to consult
7 with the defendant to afford both adequate time for preparation for trial.

8 3. Moreover, the parties have discussed a resolution of this case and have reached a
9 tentative disposition, pending approval from the Department of Justice. The government is still
10 waiting for approval from the Department of Justice for the disposition and anticipates that the
11 additional time will enable it to obtain the necessary approval.

12 Based on the foregoing, the parties therefore stipulate and move the Court to continue the
13 status conference from October 11, 2006 at 9:00 a.m. to October 24, 2006, at 9:00 a.m., and the
14 trial from October 27, 2006 to November 10, 2006. The parties further stipulate to exclude the
15 time from October 27, 2006 through November 10, 2006 under the Speedy Trial Act because the
16 parties believe that the ends of justice served by the granting of such a continuance outweigh the
17 best interests of the public and the defendant in a speedy trial, particularly since reasonable time
18 is needed for the defense to prepare for pretrial and trial matters and for continuity of counsel,
19 pursuant to 18 U.S.C. §§ 3161(h)(8)(A), 3161(h)(8)(B)(iv).

20 IT IS SO STIPULATED.

21 Dated: September 28, 2006

KEVIN V. RYAN
United States Attorney

22 /s/ Hanley Chew
23 HANLEY CHEW
Assistant United States Attorney

24 Dated: September 28, 2006

25 /s/ H. Dean Steward
26 H. DEAN STEWARD
Attorney for Defendant Goncalves

[PROPOSED] ORDER

Based upon the foregoing Stipulation and good cause appearing therefor,

IT IS HEREBY ORDERED that the status conference set for October 11, 2006 is continued to October 25, 2006 at 9:00 a.m. and the trial set for October 27, 2006 is continued to November 13, 2006. In addition, the time from October 27, 2006 through November 13, 2006 shall be excluded from the computation period within which the trial must commence, for the reasons and based upon the statutory provisions set forth by the parties in this Stipulation, including that time is needed for effective defense preparation and for continuity of counsel. The Court independently finds that the ends of justice outweigh the interests of the public and the parties in a speedier trial based upon the grounds set forth above.

DATED: October 6, 2006


THE HONORABLE JEREMY FOGEL
United States District Judge